

## TWENTY-FIRST DAY.

(Monday, March 2, 1931.)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Mr. Satterwhite.

The roll was called, and the following members were present:

Adamson.	Holloway.
Adkins.	Howsley.
Akin.	Hubbard.
Albritton.	Hughes.
Anderson.	Jackson.
Barron.	Johnson
Bedford.	of Dallam.
Bounds.	Johnson
Boyd.	of Dimmit.
Bradley.	Johnson of Morris.
Brice.	Jones of Shelby.
Brooks.	Jones of Atascosa.
Bryant.	Justiss.
Burns of Walker.	Kayton.
Burns	Keller.
of McCulloch.	Kennedy.
Caven.	Laird.
Claunch.	Lee.
Coltrin.	Lemens.
Coombes.	Leonard.
Cox of Limestone.	Lilley.
Daniel.	Lockhart.
DeWolfe.	Long.
Dodd.	McCombs.
Donnell.	McDougald.
Dowell.	McGill.
Dunlap.	McGregor.
Duvall.	Magee.
Dwyer.	Mehl.
Elliott.	Metcalf.
Engelhard.	Moore.
Farmer.	Morse.
Farrar.	Munson.
Ferguson.	Murphy.
Finn.	Nicholson.
Fisher.	Olsen.
Forbes.	O'Quinn.
Ford.	Patterson.
Fuchs.	Ramsey.
Gilbert.	Ratliff.
Giles.	Ray.
Graves.	Reader.
Grogan.	Richardson.
Hanson.	Rogers.
Hardy.	Rountree.
Harman.	Sanders.
Harrison	Satterwhite.
of El Paso.	Savage.
Harrison	Scott.
of Waller.	Shelton.
Hatchitt.	Sherrill.
Herzik.	Smith of Bastrop.
Hill.	Smith of Wood.
Hines.	Sparkman.
Holder.	Stephens.
Holland.	Steward.

Strong.  
Sullivant.  
Tarwater.  
Terrell  
of Cherokee.  
Towery.  
Turner.  
Van Zandt.

Veatch.  
Wagstaff.  
Walker.  
Warwick.  
Weinert.  
West of Coryell.  
Westbrook.  
Young.

## Absent.

Carpenter.  
Hefley.

Petsch.

## Absent—Excused.

Adams of Harris.	Lasseter.
Adams of Jasper.	Martin.
Alsup.	Mathis.
Baker.	Moffett.
Beck.	Pope.
Bond.	Stevenson.
Cox of Lamar.	Terrell
Cunningham.	of Val Verde.
Dale.	Vaughan.
Davis.	West of Cameron.
Goodman.	Wiggs.
Greathouse.	Wyatt.
Hoskins.	

A quorum was announced present.  
Prayer was offered by the Rev.  
John W. Holt, Chaplain.

LEAVES OF ABSENCE  
GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Adams of Harris, Mr. Mathis and Mr. Greathouse for today, on motion of Mr. Morse.

Mr. Terrell of Val Verde for today and tomorrow, on motion of Mr. Reader.

Mr. Cunningham for today and tomorrow, on motion of Mr. Leonard.

Mr. Moffett for today, on motion of Mr. Ratliff.

Mr. Stevenson for today, on motion of Mr. Burns of Walker.

Mr. Beck for today, on motion of Mr. McCombs.

Mr. Pope for today, on motion of Mr. Steward.

Mr. Martin for today, on motion of Mr. Dwyer.

Mr. Vaughan for today, on motion of Mr. Ford.

Mr. Wiggs for today, on motion of Mr. Hatchitt.

Mr. West of Cameron for today, on motion of Mr. Dunlap.

Mr. Goodman for today and tomorrow, on motion of Mr. Elliott.

Mr. Davis for today, on motion of Mr. Savage.

Mr. Lasseter for last Saturday and today, on motion of Mr. Daniel.

Mr. Alsup for today, on motion of Mr. Towery.

Mr. DeWolfe for today, on motion of Mr. Burns of McCulloch.

Mr. Hoskins for today, on motion of Mr. Rogers.

Mr. Adams of Jasper for today, on motion of Mr. Jones of Shelby.

Mr. Bond for today, on motion of Mr. Metcalfe.

Mr. Wyatt for today, on motion of Mr. Jones of Atascosa.

The following members were granted leaves of absence on account of illness:

Mr. Dale for today, on motion of Mr. Sullivan.

Mr. Baker for today and tomorrow, on motion of Mr. Farmer.

Mr. Cox of Lamar for today and indefinitely on account of a death in his family, on motion of Mr. Burns of McCulloch.

#### COMMUNICATION FROM HON. FRED H. MINOR.

The Speaker laid before the House and had read the following communication:

Austin, Texas, March 2, 1931.

Mrs. Louise Snow Phinney, Chief Clerk, House of Representatives, Austin, Texas.

Dear Mrs. Phinney: In compliance with Section 11 of Rule 1 of the House of Representatives, I hereby name and designate the Hon. Lee Satterwhite who shall call the House to order and preside over its sessions during my absence on Monday, March 2, 1931.

Very truly yours,

FRED H. MINOR,  
Speaker of the House of Representatives.

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Lemens:

H. B. No. 756, A bill to be entitled "An Act providing for the election of

a district attorney in the Eighteenth Judicial District of Texas, and declaring an emergency."

Referred to Committee on Judicial Districts.

By Mr. Pope:

H. B. No. 757, A bill to be entitled "An Act prescribing the oath or affirmation to be taken and subscribed to by each professor, instructor or teacher in public schools, colleges and universities of this State, and declaring an emergency."

Referred to Committee on Education.

By Mr. Holloway:

H. B. No. 758, A bill to be entitled "An Act authorizing the members of the commissioners courts of counties of not less than 15,775 and not more than 15,785 inhabitants to receive a monthly allowance for car expense not exceeding fifty dollars (\$50) each month; providing for filing sworn accounts, and declaring an emergency."

Referred to Committee on Counties.

By Mr. Munson:

H. B. No. 759, A bill to be entitled "An Act to amend Article 545 of the 1925 Penal Code of the State of Texas, as amended by an Act of the Fortieth Legislature, First Called Session, page 253, Chapter 95, paragraph 1."

Referred to Committee on Criminal Jurisprudence.

By Mr. Stevenson:

H. B. No. 760, A bill to be entitled "An Act to amend Chapter 274, Acts of the Fortieth Legislature, Regular Session, as amended by Chapter 8, Acts of the Fortieth Legislature, First Called Session, relating to the offense of murder, providing additional procedure for instructing the jury upon the trial of the offense of murder, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Stevenson:

H. B. No. 761, A bill to be entitled "An Act to amend Article 1160, Penal Code, 1925, relating to the offense of assault with intent to murder, and adding to Chapter 4, Title 15, Penal Code of the State of Texas, Article 1160a, providing that upon the trial of one charged with the offense mentioned there shall be an instruction

defining malice aforethought and in a proper case, murder without malice; fixing the penalty for assault with intent to murder without malice; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Ray:

H. B. No. 762, A bill to be entitled "An Act to prohibit the increase of premium and/or rates to be collected after twenty years of continuous membership in any fraternal benefit societies as provided for in Chapter 8."

Referred to Committee on Insurance.

By Mr. Anderson:

H. B. No. 763, A bill to be entitled "An Act to provide that no person transported by the owner or operator of a motor vehicle over the highways of this State as the guest of such owner or operator and without pay, shall have a cause of action for injury or death in case of accident unless such accident shall have been intentional or heedless, or reckless; providing exceptions, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Hill (by request):

H. B. No. 764, A bill to be entitled "An Act prohibiting discrimination by crude petroleum or natural gas common carriers, defining discrimination requiring equitable and ratable purchase by such common carriers of crude petroleum or natural gas, providing for the creation of crude petroleum or natural gas marketing associations, providing for penalties to be recovered for discrimination in the purchase of crude petroleum or natural gas, conferring the right of eminent domain upon crude petroleum or natural gas marketing associations, conferring jurisdiction upon the Railroad Commission to hear complaints of discrimination and enter orders thereon prohibiting discrimination against any lawful use of natural gas, providing for additional penalties to be recovered by the State of Texas, elimination from the computation of proration crude petroleum or natural gas marketing by any such association, and declaring an emergency."

Referred to Committee on Oil, Gas and Mining.

By Mrs. Strong:

H. B. No. 765, A bill to be entitled "An Act to authorize the payment of bonus for consolidation in certain counties for the year 1930-1931 out of an appropriation of two million five hundred thousand dollars appropriated for the aid of rural schools for the year 1930-1931 by the Acts of the Forty-first Legislature, Third Called Session, Chapter 14, and declaring an emergency."

Referred to Committee on Education.

#### HOUSE JOINT RESOLUTIONS ON FIRST READING.

The following House joint resolutions, introduced today, were laid before the House, read severally first time, and referred to the Committee on Constitutional Amendments:

By Mr. Farmer:

H. J. R. No. 34, Proposing an amendment to Section 1 of Article 3, of the Constitution of the State of Texas, providing for the reservation to the people of the State of Texas certain powers of legislation, providing that they may initiate laws and amendments to the Constitution; and further providing for the reference of laws to the people to be voted on by the qualified voters of the State; providing for the methods to be used in elections of such character, and the method of presentation of such proposed laws and amendments to the Legislature; providing for the submission of this joint resolution to the voters of the State of Texas as required by the Constitution, and making appropriation therefor.

By Mr. Richardson:

H. J. R. No. 35, Proposing an amendment to Article 8 of the Constitution of the State of Texas by adopting a new section authorizing the Legislature to exempt from taxation lands used in the production of agricultural products, and authorizing the levy in lieu of taxes thereon a tax not exceeding twenty cents per hundred pounds on lint cotton; providing for an election upon such amendment, and making an appropriation therefor.

#### RELATIVE TO PORTRAIT OF MAJOR GENERAL HENRY T. ALLEN

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 18, Providing for the acceptance of portrait of the late Major General Henry T. Allen, who commanded the Ninetieth Division during the World War, and for the placing of same in the Senate Chamber.

Whereas, The Ninetieth Division Association, which is composed of ex-service men who served in the Ninetieth Division of the United States Army during the World War, has offered to the State of Texas a portrait of the late Major General Henry T. Allen, the Commanding General of the Ninetieth Division, to be placed at an appropriate place in the State Capitol; and

Whereas, Major General Allen served his country with honor and distinction, and his service as Commander of the Ninetieth Division, which trained at Camp Travis, Texas, and was formed of Texas and Oklahoma men, who were inducted into the army by the Universal Draft Act, reflected unusual honor upon the States of Texas and Oklahoma, as well as did his subsequent service in command of the Eighth Corps, and as Commander of the United States forces in Germany; and

Whereas, The Ninetieth Division, under his command, acquitted itself with honor and distinction, both at Camp Travis, Texas, in its training, and overseas in combat, and, because of its battle record in the St. Mihiel and Meuse-Argonne offensives, its esprit de corps and general military excellence, it was selected by General Pershing as one of the eight divisions to compose America's part of the Army of Occupation in Germany; and

Whereas, The Ninetieth Division and its beloved Commanding General have, therefore, won the admiration and appreciation of the people of the United States of America, and especially the people of Texas and Oklahoma, who will always cherish the name and achievements of General Allen and the Ninetieth Division; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the portrait of Major General Henry T. Allen be accepted from the generous donors thereof, and that it be placed in an appropriate place in the Senate Chamber of the State of Texas by the Board of Control. Be it further

Resolved, That thanks be extended to the members of the said association on behalf of the Senate, the House of Representatives, the ex-service men from Texas, and the people of Texas as a whole, for this contribution to the State, and that the members of said association be commended for the truly patriotic motives which prompted and inspired such gift; and be it further

Resolved, That a copy of this resolution be forwarded to the President of the Ninetieth Division Association, and to the widow of General Allen.

The resolution was read second time and was adopted.

#### HOUSE BILL NO. 321 ON PASSAGE TO ENGROSSMENT.

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 321, A bill to be entitled "An Act amending Article 909 of the Penal Code of the State of Texas, and adding thereto, in reference to storage of wild game birds, wild fowls and wild game animals; providing that wild game birds, wild fowl and wild game animals may be placed on storage; providing the time when they may be placed on storage, etc., and declaring an emergency."

The bill having heretofore been read second time.

Mr. Jones of Atascosa offered the following amendment to the bill:

Amend Section 2 of House bill No. 321 by adding at the end of the said section the following:

"Providing, however, that this act shall not in any manner affect any complaints now pending in the courts of this State charging a violation of Article 909 of the Penal Code of the State of Texas."

The amendment was adopted.

House bill No. 321 was then passed to engrossment.

#### HOUSE BILL NO. 321 ON THIRD READING.

Mr. Boyd moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 321 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—99.

Adamson.	Johnson
Adkins.	of Dimmit.
Akin.	Johnson of Morris.
Albritton.	Jones of Shelby.
Barron.	Jones of Atascosa.
Bedford.	Justiss.
Bounds.	Keller.
Boyd.	Lee.
Bradley.	Lilley.
Brice.	Lockhart.
Bryant.	Long.
Burns of Walker.	McCombs.
Burns	McDougald.
of McCulloch.	McGill.
Claunch.	Magee.
Coltrin.	Moore.
Coombes.	Morse.
Daniel.	Munson.
Dodd.	Murphy.
Donnell.	Nicholson.
Dowell.	Olsen.
Dunlap.	O'Quinn.
Duvall.	Ratliff.
Elliott.	Ray.
Engelhard.	Richardson.
Farrar.	Rogers.
Ferguson.	Rountree.
Finn.	Sanders.
Fisher.	Satterwhite.
Forbes.	Savage.
Ford.	Scott.
Fuchs.	Shelton.
Giles.	Sherrill.
Graves.	Smith of Bastrop.
Grogan.	Smith of Wood.
Hanson.	Sparkman.
Hardy.	Stephens.
Harman.	Steward.
Harrison	Strong.
of El Paso.	Tarwater.
Harrison	Terrell
of Waller.	of Cherokee.
Hatchitt.	Towery.
Herzik.	Turner.
Hill.	Van Zandt.
Hines.	Veatch.
Holder.	Wagstaff.
Holloway.	Walker.
Hughes.	Warwick.
Jackson.	Weinert.
Johnson	West of Coryell.
of Dallam.	Westbrook.
	Young.

## Nays—3.

Farmer.	Laird.
Kennedy.	

## Absent.

Anderson.	Gilbert.
Brooks.	Hefley.
Carpenter.	Holland.
Caven.	Hubbard.
Cox of Limestone.	Kayton.
Dwyer.	Lemens.

Leonard.	Petsch.
McGregor.	Ramsey.
Mehl.	Reader.
Metcalfe.	Sullivant.
Patterson.	

## Absent—Excused.

Adams of Harris.	Howesley.
Adams of Jasper.	Lasseter.
Alsup.	Martin.
Baker.	Mathis.
Beck.	Moffett.
Bond.	Pope.
Cox of Lamar.	Stevenson.
Cunningham.	Terrell
Dale.	of Val Verde.
Davis.	Vaughan.
De Wolfe.	West of Cameron.
Goodman.	Wiggs.
Greathouse.	Wyatt.
Hoskins.	

The Speaker then laid House bill No. 321 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—101.

Adamson.	Graves.
Adkins.	Grogan.
Akin.	Hanson.
Albritton.	Harman.
Anderson.	Harrison
Barron.	of El Paso.
Bedford.	Harrison
Bounds.	of Waller.
Boyd.	Hatchitt.
Bradley.	Herzik.
Brice.	Hill.
Bryant.	Hines.
Burns of Walker.	Holder.
Burns	Holloway.
of McCulloch.	Hughes.
Caven.	Jackson.
Claunch.	Johnson
Coltrin.	of Dallam.
Coombes.	Johnson
Cox of Limestone.	of Dimmit.
Daniel.	Johnson of Morris.
Dodd.	Jones of Shelby.
Donnell.	Jones of Atascosa.
Dowell.	Justiss.
Dunlap.	Keller.
Duvall.	Lee.
Dwyer.	Lilley.
Elliott.	Lockhart.
Engelhard.	Long.
Ferguson.	McCombs.
Finn.	McDougald.
Fisher.	McGill.
Forbes.	Magee.
Ford.	Mehl.
Fuchs.	Moore.
Gilbert.	Morse.
Giles.	Munson.

Murphy.	Smith of Wood.
Olsen.	Sparkman.
O'Quinn.	Stephens.
Ratliff.	Steward.
Ray.	Strong.
Reader.	Tarwater.
Richardson.	Towery.
Rogers.	Turner.
Rountree.	Van Zandt.
Sanders.	Veatch.
Satterwhite.	Wagstaff.
Savage.	Walker.
Scott.	Warwick.
Shelton.	West of Coryell.
Sherrill.	Westbrook.
Smith of Bastrop.	Young.

## Nays—3.

Farmer.	Laird.
Kennedy.	

## Present—Not Voting.

Farrar.	Nicholson.
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## Absent.

Brooks.	McGregor.
Carpenter.	Metcalfe.
Hardy.	Patterson.
Hefley.	Petsch.
Holland.	Ramsey.
Hubbard.	Sullivant.
Kayton.	Terrell
Lemens.	of Cherokee.
Leonard.	Weinert.

## Absent—Excused.

Adams of Harris.	Howsley.
Adams of Jasper.	Lasseter.
Alsup.	Martin.
Baker.	Mathis.
Beck.	Moffett.
Bond.	Pope.
Cox of Lamar.	Stevenson.
Cunningham.	Terrell
Dale.	of Val Verde.
Davis.	Vaughan.
DeWolfe.	West of Cameron.
Goodman.	Wiggs.
Greathouse.	Wyatt.
Hoskins.	

## HOUSE BILL NO. 225 ON SECOND READING.

On motion of Mr. Weinert, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 225, A bill to be entitled "An Act amending Article 689, Chapter 7, Title 11, Revised Criminal Statutes of Texas, 1925, relating to the penalty for the sale, transportation, manufacturing, possessing, etc.,

of intoxicating liquor, by repealing that provision of said article denying the benefits of the suspended sentence law to persons over the age of 25 years."

The Speaker laid the bill before the House, and it was read second time.

Mr. Weinert offered the following (committee) amendment to the bill:

Amend House bill No. 225 by adding thereto Section 1a to read as follows:

"Section 1a. Whereas great injustice is daily being done by the present statute denying persons above the age of 25 years the benefits of the suspended sentence law, therefore the rule requiring bills to be read on three several days should be suspended, and said rule is hereby suspended and this act shall take effect from the date of its passage."

The amendment was adopted.

Mr. Gilbert moved the previous question on the engrossment of the bill, and the main question was ordered.

Mr. Barron offered the following amendment to the bill:

Amend House bill No. 225 by adding to the caption thereof immediately after the words "25 years" the words, "and declaring an emergency."

WEINERT,  
BARRON.

The amendment was adopted.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 225 was then passed to engrossment by the following vote:

## Yeas—77.

Adamson.	Finn.
Adkins.	Ford.
Albritton.	Fuchs.
Barron.	Gilbert.
Bedford.	Giles.
Bounds.	Graves.
Boyd.	Grogan.
Brooks.	Hanson.
Bryant.	Harrison
Claunch.	of El Paso.
Coombes.	Harrison
Daniel.	of Waller.
Donnell.	Hatchitt.
Dwyer.	Herzik.
Elliott.	Hill.
Engelhard.	Hines.
Farrar.	Holland.
Ferguson.	Holloway.

Howsley.	Nicholson.
Hughes.	Olsen.
Jackson.	O'Quinn.
Johnson of Morris.	Ratliff.
Jones of Shelby.	Reader.
Jones of Atascosa.	Richardson.
Justiss.	Rogers.
Keller.	Sanders.
Kennedy.	Satterwhite.
Laird.	Savage.
Lee.	Smith of Wood.
Lilley.	Sullivan.
Lockhart.	Terrell
McCombs.	of Cherokee.
McDougald.	Towery.
McGill.	Turner.
McGregor.	Van Zandt.
Mehl.	Walker.
Moore.	Warwick.
Morse.	Weinert.
Munson.	West of Coryell.
Murphy.	Westbrook.

## Nays—28.

Akin.	Magee.
Bradley.	Ray.
Brice.	Rountree.
Burns	Scott.
of McCulloch.	Shelton.
Coltrin.	Smith of Bastrop.
Dodd.	Sparkman.
Dowell.	Stephens.
Farmer.	Steward.
Fisher.	Strong.
Forbes.	Tarwater.
Harman.	Veatch.
Holder.	Wagstaff.
Johnson	Young.
of Dimmit.	
Lemens.	

## Absent.

Anderson.	Johnson
Burns of Walker.	of Dallam.
Carpenter.	Kayton.
Caven.	Leonard.
Cox of Limestone.	Long.
Dunlap.	Metcalfe.
Duvall.	Patterson.
Hardy.	Petsch.
Hefley.	Ramsey.
Hubbard.	Sherrill.

## Absent—Excused.

Adams of Harris.	Goodman.
Adams of Jasper.	Greathouse.
Alsup.	Hoskins.
Baker.	Lasseter.
Beck.	Martin.
Bond.	Mathis.
Cox of Lamar.	Moffett.
Cunningham.	Pope.
Dale.	Stevenson.
Davis.	Terrell
DeWolfe.	of Val Verde.

Vaughan.	Wiggs.
West of Cameron.	Wyatt.

## HOUSE BILL NO. 59 ON SECOND READING.

On motion of Mr. Warwick (by unanimous consent), the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 59, A bill to be entitled "An Act to amend Chapter 64 of the Acts of the Regular Session of the Thirty-fifth Legislature, page 123, relating to the salary of district attorneys, and amending Chapter 55 of the Acts of the Regular Session of the Thirty-fifth Legislature, page 94, relating to the appointment and compensation of assistants to district attorneys, and amending Article 1021 of the Code of Criminal Procedure of Texas relating to the per diem of district attorneys in all judicial districts composed of two or more counties, and limiting the per diem to 230 days in any one year, etc., and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Warwick offered the following (committee) amendment to the bill:

Amend House bill No. 59 by striking out the figures "\$5000" in Section 2 thereof and substitute in lieu thereof the figures "\$4500."

Mr. Warwick offered the following substitute for the amendment:

Amend amendment No. 1 to House bill No. 59 by striking out the sum "\$4500," in line 33, page 2, and inserting "\$4000."

The substitute amendment was adopted.

The amendment as substituted was then adopted.

Mr. Warwick offered the following (committee) amendment to the bill:

Amend House bill No. 59 by striking out the figures "\$3600," in Section 3, and substituting in lieu thereof the figures "\$3200."

Mr. Warwick offered the following substitute for the (committee) amendment:

Amend amendment No. 2 to House bill No. 59 by striking out the sum "\$3200," in line 37, page 2, and inserting "\$3000."

The substitute amendment was adopted.

The amendment as substituted was then adopted.

House bill No. 59 was then passed to engrossment.

HOUSE BILL NO. 59 ON THIRD  
READING.

Mr. Warwick moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 59 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—97.

Adamson.	Johnson of Morris.
Adkins.	Jones of Shelby.
Albritton.	Jones of Atascosa.
Anderson.	Justiss.
Barron.	Kennedy.
Bedford.	Laird.
Bounds.	Lee.
Boyd.	Lemens.
Bradley.	Leonard.
Brooks.	Lilley.
Bryant.	Lockhart.
Burns of Walker.	McCombs.
Burns	McDougald.
of McCulloch.	McGill.
Caven.	McGregor.
Claunch.	Magee.
Coltrin.	Moore.
Coombes.	Morse.
Cox of Limestone.	Munson.
Daniel.	Murphy.
Dodd.	Nicholson.
Dunlap.	Olsen.
Duvall.	O'Quinn.
Elliott.	Ratliff.
Engelhard.	Ray.
Farrar.	Richardson.
Fisher.	Rogers.
Forbes.	Rountree.
Ford.	Sanders.
Euchs.	Satterwhite.
Gilbert.	Savage.
Giles.	Scott.
Grogan.	Shelton.
Hanson.	Sherrill.
Harrison	Smith of Bastrop.
of El Paso.	Smith of Wood.
Harrison	Sparkman.
of Waller.	Stephens.
Hatchitt.	Strong.
Herzik.	Sullivant.
Hill.	Tarwater.
Hines.	Turner.
Holder.	Van Zandt.
Holland.	Wagstaff.
Holloway.	Walker.
Howsley.	Warwick.
Hughes.	Weinert.
Jackson.	West of Coryell.
Johnson	Westbrook.
of Dallam.	Young.
Johnson of Dimmit.	

Nays—3.

Farmer. Veatch.  
Terrell of Cherokee.

Present—Not Voting.

Akin. Brice.

Absent.

Carpenter.	Kayton.
Donnell.	Keller.
Dowell.	Long.
Dwyer.	Mehl.
Ferguson.	Metcalfe.
Finn.	Patterson.
Graves.	Petsch.
Hardy.	Ramsey.
Harman.	Reader.
Hefley.	Steward.
Hubbard.	Towery.

Absent—Excused.

Adams of Harris.	Hoskins.
Adams of Jasper.	Lasseter.
Alsup.	Martin.
Baker.	Mathis.
Beck.	Moffett.
Bond.	Pope.
Cox of Lamar.	Stevenson.
Cunningham.	Terrell
Dale.	of Val Verde.
Davis.	Vaughan.
DeWolfe.	West of Cameron.
Goodman.	Wiggs.
Greathouse.	Wyatt.

The Speaker then laid House bill No. 59 before the House, it was read third time and was passed by the following vote:

Yeas—104.

Adamson.	Duvall.
Adkins.	Dwyer.
Albritton.	Elliott.
Anderson.	Engelhard.
Barron.	Farrar.
Bedford.	Finn.
Bounds.	Fisher.
Boyd.	Forbes.
Bradley.	Ford.
Brice.	Fuchs.
Bryant.	Gilbert.
Burns of Walker.	Giles.
Burns	Grogan.
of McCulloch.	Hanson.
Claunch.	Harman.
Coltrin.	Harrison
Coombes.	of El Paso.
Cox of Limestone.	Harrison
Daniel.	of Waller.
Dodd.	Herzik.
Dowell.	Hill.
Dunlap.	Hines.



Holder.	Olsen.
Holland.	O'Quinn.
Holloway.	Pope.
Howsley.	Ratliff.
Hubbard.	Ray.
Hughes.	Reader.
Jackson.	Richardson.
Johnson	Rogers.
of Dallam.	Rountree.
Johnson	Sanders.
of Dimmit.	Satterwhite.
Johnson of Morris.	Savage.
Jones of Shelby.	Shelton.
Jones of Atascosa.	Sherrill.
Justiss.	Smith of Bastrop.
Keller.	Smith of Wood.
Kennedy.	Sparkman.
Laird.	Stephens.
Lee.	Steward.
Lemens.	Strong.
Leonard.	Sullivant.
Lilley.	Tarwater.
Lockhart.	Towery.
McCombs.	Turner.
McDougald.	Van Zandt.
McGill.	Wagstaff.
McGregor.	Walker.
Magee.	Warwick.
Moore.	Weinert.
Morse.	West of Coryell.
Munson.	Westbrook.
Murphy.	Young.
Nicholson.	

Nays—2.

Farmer. Terrell of Cherokee.

Absent.

Akin.	Long.
Brooks.	Mehl.
Carpenter.	Metcalf.
Caven.	Patterson.
Donnell.	Petsch.
Ferguson.	Ramsey.
Graves.	Scott.
Hardy.	Veatch.
Hatchitt.	West of Cameron.
Hefley.	Wiggs.
Kayton.	Wyatt.

Absent—Excused.

Adams of Harris.	Goodman.
Adams of Jasper.	Greathouse.
Alsup.	Hoskins.
Baker.	Lasseter.
Beck.	Martin.
Bond.	Mathis.
Cox of Lamar.	Moffett.
Cunningham.	Stevenson.
Dale.	Terrell
Davis.	of Val Verde.
DeWolfe.	Vaughan.

Reason for Vote.

I vote "nay" on this bill (No. 59)  
because it is a local bill in violation

of Article III, Section 56, of the Constitution, in that it regulates the affairs of a county and creates a new office.

FARMER.

## HOUSE BILL NO. 53 ON SECOND READING.

(By Unanimous Consent.)

On motion of Mr. McCombs, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 53, A bill to be entitled "An Act to regulate the presentation, allowance, approval, classification and payment of claims and liens against estates of deceased persons and to direct the manner of collection and foreclosure of such liens; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. McCombs offered the following (committee) amendment to the bill:

Amend the bill by striking out of Section 4 thereof the following sentences: "Upon application of a claim holder the court shall order the executor or administrator to hold all rents, revenues or other profits from property securing a claim in a separate account which shall be used for the payment of any deficiency on the claim so secured."

The amendment was adopted.

House bill No. 53 was then passed to engrossment.

## HOUSE BILL NO. 53 ON THIRD READING.

Mr. McCombs moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 53 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—102.

Adamson.	Brice.
Adkins.	Brooks.
Akin.	Bryant.
Albritton.	Burns of Walker.
Anderson.	Burns
Barron.	of McCulloch.
Bedford.	Claunch.
Bounds.	Coltrin.
Boyd.	Coombes.

Cox of Limestone.	Kennedy.
Daniel.	Laird.
Dodd.	Lemens.
Donnell.	Leonard.
Dowell.	Lilley.
Dunlap.	McCombes.
Duvall.	McGill.
Elliott.	McGregor.
Engelhard.	Magee.
Farmer.	Metcalfe.
Farrar.	Moore.
Ferguson.	Morse.
Finn.	Munson.
Fisher.	Murphy.
Forbes.	Olsen.
Ford.	O'Quinn.
Fuchs.	Ratliff.
Gilbert.	Ray.
Giles.	Richardson.
Grogan.	Rogers.
Hanson.	Rountree.
Harman.	Sanders.
Harrison	Satterwhite.
of El Paso.	Savage.
Harrison	Scott.
of Waller.	Shelton.
Hatchitt.	Sherrill.
Herzik.	Smith of Wood.
Hill.	Sparkman.
Hines.	Stephens.
Holder.	Steward.
Holland.	Strong.
Holloway.	Sullivant.
Howsley.	Tarwater.
Hubbard.	Towery.
Hughes.	Turner.
Jackson.	Van Zandt.
Johnson	Veatch.
of Dallam.	Wagstaff.
Johnson	Walker.
of Dimmit.	Warwick.
Johnson of Morris.	West of Coryell.
Jones of Shelby.	Westbrook.
Jones of Atascosa.	Young.
Justiss.	

## Nays—1.

Terrell of Cherokee.

## Absent.

Bradley.	Long.
Carpenter.	McDougald.
Caven.	Mehl.
Dwyer.	Nicholson.
Graves.	Patterson.
Hardy.	Petsch.
Hefley.	Ramsey.
Kayton.	Reader.
Keller.	Smith of Bastrop.
Lee.	Weinert.
Lockhart.	

## Absent—Excused.

Adams of Harris.	Baker.
Adams of Jasper.	Beck.
Alsup.	Bond.

Cox of Lamar.	Mathis.
Cunningham.	Moffett.
Dale.	Pope.
Davis.	Stevenson.
DeWolfe.	Terrell
Goodman.	of Val Verde.
Greathouse.	Vaughan.
Hoskins.	West of Cameron.
Lassester.	Wiggs.
Martin.	Wyatt.

The Speaker then laid House bill No. 53 before the House on its third reading and final passage.

The bill was read third time and was passed.

## HOUSE BILL NO. 376 ON SECOND READING.

On motion of Mr. Burns of McCulloch (by unanimous consent), the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 376, A bill to be entitled "An Act authorizing and directing the Commissioner of the General Land Office of the State of Texas to deed, convey, assign and/or transfer all right, title, and interest of whatsoever class, kind, or character directly or indirectly belonging to the State of Texas in and to that tract of land known as the Melvin Park Site situated at the edge of the town of Melvin, in McCulloch county, Texas, to D. J. Malmstrom, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time, and was passed to engrossment.

## HOUSE BILL NO. 376 ON THIRD READING.

Mr. Burns of McCulloch moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 376 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—101.

Adamson.	Bryant.
Adkins.	Burns of Walker.
Akin.	Claunch.
Albritton.	Coltrin.
Anderson.	Coombes.
Barron.	Cox of Limestone.
Bedford.	Daniel.
Bounds.	Dodd.
Boyd.	Donnell.
Brice.	Dowell.
Brooks.	Dunlap.

Duvall.	Long.
Engelhard.	McCombs.
Farmer.	McGill.
Farrar.	McGregor.
Ferguson.	Magee.
Finn.	Metcalfe.
Fisher.	Moore.
Forbes.	Morse.
Ford.	Munson.
Fuchs.	Murphy.
Gilbert.	Olsen.
Giles.	O'Quinn.
Grogan.	Ratliff.
Hanson.	Ray.
Harman.	Reader.
Harrison	Richardson.
of El Paso.	Rogers.
Harrison	Rountree.
of Waller.	Sanders.
Hatchitt.	Satterwhite.
Herzik.	Savage.
Hill.	Scott.
Hines.	Sherrill.
Holder.	Smith of Wood.
Holland.	Sparkman.
Holloway.	Stephens.
Howsley.	Steward.
Hubbard.	Strong.
Hughes.	Sullivant.
Jackson.	Tarwater.
Johnson	Terrell
of Dallam.	of Cherokee.
Johnson	Towery.
of Dimmit.	Turner.
Johnson of Morris.	Van Zandt.
Jones of Shelby.	Veatch.
Jones of Atascosa.	Wagstaff.
Justiss.	Walker.
Keller.	Warwick.
Laird.	West of Coryell.
Lemens.	Westbrook.
Lilley.	Young.

## Nays—1.

Kennedy.

## Absent.

Bradley.	Leonard.
Burns	Lockhart.
of McCulloch.	McDougald.
Carpenter.	Mehl.
Caven.	Nicholson.
Dwyer.	Patterson.
Elliott.	Petsch.
Graves.	Ramsey.
Hardy.	Shelton.
Hefley.	Smith of Bastrop.
Kayton.	Weinert.
Lee.	

## Absent—Excused.

Adams of Harris.	Cox of Lamar.
Adams of Jasper.	Cunningham.
Alsup.	Dale.
Baker.	Davis.
Beck.	DeWolfe.
Bond.	Goodman.

Greathouse.	Stevenson.
Hoskins.	Terrell
Lasseter.	of Val Verde.
Martin.	Vaughan.
Mathis.	West of Cameron.
Moffett.	Wiggs.
Pope.	Wyatt.

The Speaker then laid House bill No. 376 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—108.

Adamson.	Howsley.
Adkins.	Hubbard.
Akin.	Hughes.
Albritton.	Jackson.
Anderson.	Johnson
Barron.	of Dimmit.
Bedford.	Jones of Shelby.
Bounds.	Jones of Atascosa.
Boyd.	Justiss.
Bradley.	Kayton.
Brice.	Keller.
Brooks.	Kennedy.
Bryant.	Laird.
Burns of Walker.	Lemens.
Burns	Leonard.
of McCulloch.	Lilley.
Caven.	Lockhart.
Claunch.	Long.
Coltrin.	McCombs.
Coombes.	McDougald.
Cox of Limestone.	McGill.
Daniel.	McGregor.
Dodd.	Magee.
Donnell.	Mehl.
Dowell.	Metcalfe.
Dunlap.	Moore.
Duvall.	Morse.
Elliott.	Munson.
Engelhard.	Murphy.
Farmer.	Olsen.
Farrar.	O'Quinn.
Ferguson.	Ratliff.
Finn.	Ray.
Fisher.	Reader.
Forbes.	Richardson.
Ford.	Rogers.
Fuchs.	Rountree.
Giles.	Sanders.
Grogan.	Satterwhite.
Harman.	Savage.
Harrison	Scott.
of El Paso.	Shelton.
Harrison	Sherrill.
of Waller.	Smith of Bastrop.
Hatchitt.	Sparkman.
Herzik.	Stephens.
Hill.	Steward.
Hines.	Strong.
Holder.	Sullivant.
Holland.	Tarwater.
Holloway.	Terrell of Cherokee.

Towery.	Walker.
Turner.	Warwick.
Van Zandt.	West of Coryell.
Veatch.	Westbrook.
Wagstaff.	Young.

Absent.

Carpenter.	Johnson of Morris.
Dwyer.	Lee.
Graves.	Nicholson.
Hanson.	Patterson.
Hardy.	Petsch.
Hefley.	Ramsey.
Johnson	Smith of Wood.
of Dallam.	Weinert.

Absent—Excused.

Adams of Harris.	Hoskins.
Adams of Jasper.	Lasseter.
Alsup.	Martin.
Baker.	Mathis.
Beck.	Moffett.
Bond.	Pope.
Cox of Lamar.	Stevenson.
Cunningham.	Terrell
Dale.	of Val Verde.
Davis.	Vaughan.
De Wolfe.	West of Cameron.
Gilbert.	Wiggs.
Goodman.	Wyatt. X
Greathouse.	

## HOUSE BILL NO. 683 ON SECOND READING.

On motion of Mr. Howsley (by unanimous consent), the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 683, A bill to be entitled "An Act to provide that the State Highway Commission shall be authorized to require that all contracts for the construction, maintenance and improvement of any designated State highway shall contain a provision that no person will be employed by the contractor to perform manual labor in the course of such work at a wage of less than thirty cents per hour; fixing penalties; and providing for the enforcement of such contract, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Farmer offered the following amendment to the bill:

Amend bill by striking out the word "thirty," in line 27, and insert instead "fifty."

Question—Shall the amendment be adopted?

## RELATIVE TO HOUSE BILL NO. 703.

Mr. Gilbert asked unanimous consent of the House to have the caption of House bill No. 703 amended so as to conform to all changes made in the body of the bill.

There was no objection offered, and it was so ordered.

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, March 2, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 310, A bill to be entitled "An Act validating and making certain Sections 1 and 2 of Chapter 81, General Laws of the Second Called Session of the Thirty-sixth Legislature, being Articles 5367 and 5368 of Chapter 4, Title 86, Revised Civil Statutes of Texas, of 1925, relating to public school and asylum lands; providing that the original sales affecting lands with mineral reservation may be enlarged to include 15/16 of the minerals in the owners of the soil, reserving to the State 1/16 interest in said minerals as royalty; authorizing such owners to enlarge their original purchase of school and asylum lands to include 15/16 of oil and gas, or other minerals; authorizing the owner to develop and produce minerals, or lease, sell or contract said lands for the development and production of minerals; validating and confirming oil and gas leases heretofore made and sales or reservations of royalty and mineral interest; providing for the forfeiture of such leases under certain conditions, and providing that such forfeiture shall be in lieu of any claim for consideration or rental; providing that if any part of this act shall be held unconstitutional, it shall not affect the remaining provisions; providing that Articles 5369, 5370, 5371, 5372, 5373, 5374, 5375, 5376, 5377, 5378 and 5379 shall not apply where the owner of the soil has acquired the legal title to 15/16 of the minerals, and declaring an emergency."

Respectfully,

JNO. B. DuPRIEST,  
Assistant Secretary of the Senate.

# COMMEMORATING TEXAS INDEPENDENCE DAY.

Mr. Sanders moved that Hon. T. H. McGregor of Travis county be requested to address the House at this time in commemoration of the day, same being March 2, Texas Independence Day; and that at the conclusion of the address the House adjourn until 9:30 o'clock a. m. tomorrow.

That in so doing it be as a memorial of the day.

The motion prevailed.

The Speaker announced the appointment of the following committee to escort Hon. T. H. McGregor to the Speaker's stand:

Messrs. Sanders, Dunlap and Graves.

The committee having performed their duty, Mr. Satterwhite presented Mr. McGregor who then addressed the House.

## ADJOURNMENT.

In accordance with the motion heretofore made by Mr. Sanders, the House, at 12:20 o'clock p. m., adjourned until 9:30 o'clock a. m. tomorrow.

## TWENTY-SECOND DAY.

(Tuesday, March 3, 1931.)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Minor.

The roll was called, and the following members were present:

Mr. Speaker.	Caven.
Adams of Harris.	Claunch.
Adamson.	Coltrin.
Adkins.	Coombes.
Akin.	Cox of Lamar.
Albritton.	Cox of Limestone.
Alsup.	Dale.
Anderson.	Davis.
Barron.	DeWolfe.
Beck.	Dodd.
Bond.	Dowell.
Bounds.	Dunlap.
Boyd.	Duvall.
Bradley.	Dwyer.
Brice.	Elliott.
Brooks.	Engelhard.
Bryant.	Farmer.
Burns of Walker.	Farrar.
Burns	Ferguson.
of McCulloch.	Finn.

Fisher.	Magee.
Ford.	Mathis.
Fuchs.	Mehl.
Gilbert.	Metcalfe.
Giles.	Moffett.
Goodman.	Moore.
Graves.	Morse.
Greathouse.	Munson.
Grogan.	Murphy.
Hanson.	Nicholson.
Hardy.	Olsen.
Harman.	O'Quinn.
Harrison	Patterson.
of El Paso.	Petsch.
Harrison	Pope.
of Waller.	Ramsey.
Hatchitt.	Ratliff.
Hefley.	Ray.
Herzik.	Reader.
Hill.	Richardson.
Hines.	Rogers.
Holland.	Rountree.
Holloway.	Sanders.
Hoskins.	Satterwhite.
Howsley.	Savage.
Hubbard.	Scott.
Hughes.	Shelton.
Jackson.	Sherrill.
Johnson	Smith of Bastrop.
of Dallam.	Smith of Wood.
Johnson	Sparkman.
of Dimmit.	Stephens.
Johnson of Morris.	Steward.
Jones of Shelby.	Strong.
Jones of Atascosa.	Sullivant.
Justiss.	Tarwater.
Kayton.	Terrell
Keller.	of Cherokee.
Kennedy.	Towery.
Laird.	Turner.
Lasseter.	Van Zandt.
Lee.	Veatch.
Lemens.	Wagstaff.
Leonard.	Walker.
Lilley.	Warwick.
Lockhart.	Weinert.
Long.	West of Coryell.
McCombs.	Westbrook.
McDougald.	Wyatt.
McGill.	Young.
McGregor.	

## Absent—Excused.

Adams of Jasper.	Holder.
Baker.	Martin.
Bedford.	Stevenson.
Carpenter.	Terrell
Cunningham.	of Val Verde.
Daniel.	Vaughan.
Donnell.	West of Cameron.
Forbes.	Wiggs.

A quorum was announced present.

Prayer was offered by the Rev. John W. Holt, Chaplain.